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NEW BRUNSWICK, NEW JERSEY 08933****FACSIMILE TRANSMISSION COVER SHEET****TO: MICHELE M. KIDWELL****COMPANY: USPTO****COUNTRY:****FACSIMILE NUMBER: (571) 273-8300****FROM: JOEL A. ROTHFUS****TELEPHONE NO.: (732) 524-2722****ROOM NO.:****DATE: October 16, 2006****FACSIMILE NUMBER: (732) 524-2808****NUMBER OF PAGES INCLUDING THIS COVER SHEET: 10****IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL****COMMENTS: U.S.S.N.: 10/827,569 Our ref: PPC 813 DIV****THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATES STAMPED HEREON:**

- ☐ Oath of Declaration
- ☐ Assignment
- ☒ Response
- ☐ Fee Transmittal
- ☐ Charge to Deposit Account 10-0750
- ☐ Amendment
- ☐ Extension of time (3 mo)
- ☐ Issue Fee Transmittal
- ☐ PCT Filing
- ☐ IDS-Form 1449

- ☐ Drawings _____ sheets
- ☐ MPEP 609/_____
- ☐ Notice of Appeal _____
- ☐ Brief
- ☐ Priority Document
- ☐ Status Inquiry
- ☐ Sequence Listings/Diskette
- ☐ Biological Deposit Declaration
- ☒ Other PET TO REVIVE & STATEMENT_

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OCT 16 2006

Practitioner's Docket No. PPC-813 DIV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Anthony D. DiSalvo

Application No.: 10/827,569

Group No.: 3761

Filed: 04/16/2004

Examiner: M.M. KIDWELL

For: CATAMENIAL DEVICE CHANGE INDICATOR

Mail Stop Petition
Commissioner for Patents
Arlington, VA 22202PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY
FOR FAILURE TO REPLY TO A FINAL REJECTION

1. This application became abandoned on or about November 26, 2005.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. ' 1.137(b)(3).

10/17/2006 SSITHIB1 00000082 100750 10827569

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

G as "Express Mail Post Office to Addressee"
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TRANSMISSION

- x facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

/Sylvia G. Brown/

Signature

Date: October 16, 2006

Sylvia G. Brown

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to revive application abandoned unintentionally for failure to reply to a final rejection—page 1 of 2

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3. Reply

With respect to the outstanding requirements applicant files herewith an amendment under 37 C.F.R. ' 1.116 that cancels all rejected claims or otherwise *prima facie* places the application in condition for allowance.

4. Fee (37 C.F.R. ' 1.17(m))

Applicant=s status is: Other than a small entity — fee \$1,500.00.

5. Fee Payment

Authorization is hereby made to charge the amount of \$1,500.00 to Deposit Account No. 000027777.

WARNING: *Credit card information should not be included on this form as it may become public.*

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: October 16, 2006

/Joel A. Rothfus/

(Signature of person making statement that
abandonment was unintentional)

Joel A. Rothfus
Reg. No. 33,277
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

Date: October 16, 2006

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Docket No. PPC-813 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Anthony DiSalvo et al. Confirmation No: 3205
Serial No. : 10/827,569 Art Unit: 3761
Filed : April 16, 2004 Examiner: M. M. Kidwell
For : CATAMENIAL DEVICE CHANGE INDICATOR

Commissioner for Patents
Alexandria, VA 22313-1450

REVIVAL STATEMENT

Dear Sir:

The undersigned is the attorney of record in the present application and is employed by Johnson & Johnson, the parent company of the assignee of this application.

The undersigned has a prosecution docket of approximately 90 pending U.S. patent applications and a proportionately large foreign prosecution docket. In addition, the undersigned is involved in two litigation actions, due diligence and negotiation activities in several matters relating to the acquisition and/or divestiture of intellectual property rights, and in day-to-day client counseling activities. This level of activity has been at least constant, if not increasing, over the past year.

The U.S. Patent and Trademark Office issued a Notice of Abandonment in this application on March 9, 2006, and this Notice appears to have been received by the Johnson & Johnson Patent Department docket clerks on March 10, 2006.

The Johnson & Johnson Patent Department docketing and document handling systems have been transitioning from paper-based to electronic systems since November 2004. Instead of forwarding file folders with attached Office Actions, the Johnson & Johnson Patent Department notifies attorneys of incoming Office Actions via email, and the actual documents are uploaded into an electronic database. In order to view the document, the attorney must access the electronic database to view and/or print out the document. Neither the paper file nor the paper documents are ordinarily delivered to the

attorney. The undersigned regularly receives between thirty and 100 emails per day. There is no automatic notification to the attorney of pending final docket dates.

In March 2006, the undersigned received an email reporting the receipt of the Notice of Abandonment. Consultations with the client confirmed that the assignee had no intention of abandoning this application. The undersigned's workload has again kept the accompanying petition from being filed sooner.

Respectfully submitted,

/Joel A. Rothfus/
Joel A. Rothfus
Reg. No. 33,277
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
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Dated: October 16, 2006